

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Burton Hagwood, #03671087, )  
Plaintiff, ) Civil Action No. 8:05-1172-CMC-BHH  
vs. )  
United States of America, )  
Defendant. )  
\_\_\_\_\_  
)

**REPORT OF MAGISTRATE JUDGE**

The plaintiff, a federal prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On May 6, 2005, the plaintiff filed a motion to dismiss this action without prejudice due to a lack of resources to prosecute the case. The record reveals that the defendant has not yet been served with the complaint in this case.

Wherefore, it is recommended that the plaintiff's motion to dismiss be granted and this case be dismissed without prejudice.

s/Bruce H. Hendricks  
United States Magistrate Judge

May 12, 2005

Greenville, South Carolina